

August 12, 2016

To the Honorable Members of  
The Illinois Senate,  
99th General Assembly:

Our democracy depends upon free and fair elections and is strengthened by increased voter participation. I strongly support efforts to simplify the voter registration process and remove barriers to voting, while still protecting the integrity of our election system.

Earlier this year, I signed Senate Bill 1529, a bipartisan bill to modernize our election system and expand voting opportunities. The bill allows the use of digital voter signatures; expands online voter registration; enables the State to fund its participation in national Electronic Registration Information Center; extends the ability of military voters and others to vote by mail through Election Day; and enhances criminal penalties for fraudulent voting. I look forward to continuing to work with the General Assembly to modernize our election system and promote voter participation.

Senate Bill 250 would transition Illinois to an automatic voter registration system – one of the first states in the nation. I thank the sponsors and proponents for their commitment to increasing voter participation. Today I return the bill, however, to provide the sponsors and proponents with the opportunity to make some important corrections to protect the integrity of our election system and to comply with federal law. We must also ensure that the State Board of Elections is provided with adequate time and resources to implement the bill's provisions.

### **Background**

Current law allows citizens to complete a voter registration application at the Secretary of State's Driver Services Department. The Secretary of State transmits the application to the appropriate local election authority to be processed. This process is subject to both the Illinois Election Code and federal law, including the National Voter Registration Act.

Public Act 98-1171, enacted last year, expanded this system to allow individuals to register to vote whenever they conduct business or interact with the Department of Human Services, Department of Healthcare and Family Services, Department of Employment Security, and Department on Aging. An agency employee notifies the individual whether he or she is registered to vote and offers the individual an opportunity to register or to update his or her registered address. The agency transmits the registration or updated information to the State Board of Elections, which in turn transmits the information to the local election authority. The public act requires the State Board to complete its implementation by July 1, 2016, but that work has not yet been completed.

Senate Bill 250 would change this system by requiring automatic registration. The bill would require each agency to automatically process a voter registration for each individual about whom it has information, whether or not the individual intends to register. The individual is later informed about the automatic registration and given an opportunity to opt-out by contacting the appropriate election authority.

The proponents of the bill intend to remove barriers to voting, which I applaud. But in the haste of amending and passing the bill on the last day of the spring legislative session, they concede that the bill does not plainly and clearly describe the process they envision. For the past several weeks, my Administration has been working closely with the proponents and lawyers for all four legislative caucuses to address the concerns described below. I remain hopeful that these concerns can be addressed and we can together enact a bill that achieves our shared goals.

### **Voter Integrity and Compliance with Federal Law**

We must ensure the integrity of our election system and that it complies with federal law. The National Voter Registration Act imposes certain conditions on voter registrations, including that the applicant must be informed of the voter eligibility requirements, must attest that he or she meets qualifications to vote, and must sign the voter registration application. Federal law provides the individual with an opportunity to decline to register to vote or to transfer his or her information for voter registration purposes without adversely affecting other government services.

Proponents contend that individuals will be informed of the qualifications to vote; that the agencies will check their own records to confirm an individual is a citizen and otherwise eligible to vote before processing the registration; and that the agencies will indicate to the State Board of Elections which identification documents were checked. But that is not how the bill is drafted.

Senate Bill 250 does not require an applicant to attest to meeting the qualifications to vote or to sign the application, as required by federal law. The bill directs the Secretary of State's Drivers Services Department to automatically register the individual "regardless of whether or not the individual attested to his or her eligibility to register to vote." The bill relies on the State Board of Elections to screen out individuals who are not eligible to vote, even

though the State Board may not have access to that information. In fact, some of the agencies in possession of citizenship-related information are prohibited by federal law from sharing that information with the State Board.

The consequences could be injurious to our election system. We know that non-citizens have registered to vote in Illinois after obtaining a driver's license and voted in recent elections. Among other documented cases, a citizen of Kenya registered to vote and voted in the 2004 election, and citizens of Peru and the Philippines registered to vote and voted in the 2006 election. Each of these cases of voter fraud was caught by immigration officials, not the State of Illinois.

The bill should be conformed to the system that the proponents describe. Agencies with access to citizenship information should use that information to verify a person's eligibility before processing the voter registration. That responsibility should not – and legally cannot – fall to the State Board of Elections, as the bill currently provides.

### **Reliability of State Agency Information**

Senate Bill 250 intends for agencies to automatically update voter information based on the agency's records. This assumes that agency records are accurate, consistent, and reliable.

While we are working to update and consolidate State information systems through the new Department of Innovation and Technology, the State does not have a single dataset for each individual that can be reliably used to verify current information. In fact, the agencies charged with updating voter records could have different name or address information about the same individual, due to no fault of the individual. Residency for unemployment benefits or human services may be different than residency for election purposes. An agency should not automatically change an address without providing the individual with an opportunity to verify that the address is accurate for the purposes of voter registration.

Senate Bill 250 tacitly acknowledges this problem. The bill provides that if a voter's registered address is mistakenly changed, and the voter appears at the voter precinct for his prior registered address, the voter should have the opportunity to vote at that prior address with a regular (as opposed to provisional) ballot. The bill also provides that the voter should not be disqualified from voting "due to an error relating to an update of registration." The law should *avoid* errors in the first place.

### **Implementation Timeline and Resources**

The State Board of Elections has said that the timeline for implementation is aggressive and, to date, no funding has been provided to carry out the work needed. Despite diligent efforts, the State Board is already past-due in implementing the changes required by Public Act 98-1171, which underlie the changes that would be required by Senate Bill 250. We should provide the State Board with the time and resources needed to properly complete the implementation.

## Recommended Changes

Senate Bill 250 seeks a worthy but ambitious goal. After the State Board of Elections, Secretary of State, and others raised concerns about how it would be implemented, the sponsors and proponents introduced a series of amendments at the end of May. There remain some unaddressed problems, but for which there are workable solutions. Specifically:

- The Secretary of State should only transit voter registrations for which it has been able to verify citizenship and should indicate which identification documents were checked. As part of REAL ID compliance, this information will be available to the Secretary of State for any person seeking to obtain a REAL ID-compliant license. Proponents indicated that the bill intends for this screening; the bill should make this a clear requirement.
- Other State agencies, other than the Secretary of State, should check voter registrations against their available citizenship records when possible before submitting those registrations to the State Board of Elections. Each of the four State agencies identified in the bill has access to that information. If the agency does not have citizenship-related information for a particular person, the applicant must attest by signature to meeting the qualifications to vote.
- The Secretary of State and each other State agency should notify a potential applicant whether or not he or she is currently registered to vote, based on information provided from a State master voter file, and if so at what address. If the person is already registered to vote at another address, the agency should confirm that the person desires to update his or her address, before automatically processing an errant address change. If the person is not registered to vote, and requests not to be, the State agency should honor that request.
- The bill should define “reliable State government source”, which is a source of information that may be used for completing a voter registration. The bill should set out a process for how other information sources are added to the list of reliable sources, as currently contemplated by the bill.
- The bill should set out a realistic implementation deadline, and we should provide the State Board of Elections and other implementing agencies with adequate resources. We must also recognize that county clerks and other local election authorities will incur costs in implementing this bill. The bill allows e-mail notices to be used for certain purposes; we should examine expanding e-mail use to reduce costs for the State and local election authorities.

Proponents have expressed willingness to make some of these changes, while others remain in discussion. I thank the proponents, sponsors, and legislative staff for continuing

to work with my Administration to address these concerns. I hope we can complete this work and pass a bipartisan election bill in the near future.

Until then, I cannot approve Senate Bill 250 in its current form. Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 250 entitled "AN ACT concerning elections", with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner  
GOVERNOR